



US Army Corps
of Engineers
Detroit District

Joint Public Notice

Applicant: Earl Stilson

In Reply Refer To: Corps File No. 90-011-018-2
MDEQ File No. 04-50-144

Date: October 5, 2004
Expires: October 25, 2004

**Proposed dredging, bulkhead and riprap in wetlands adjacent to and in the Clinton River
At Mt. Clemens, Michigan**

Applicant: Earl Stilson, 30134 South River Road, Harrison Township, MI, 48045-1880

Project Location: in wetlands adjacent to and in the Clinton River, Township 2N, Range 13E, Mt. Clemens, Macomb County, Michigan. The site is located adjacent to 47843 Avery Street in lots 20, 22,23 and 24.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

State Authority: Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the State of Michigan Department of Environmental Quality, Geological and Land Management Division (MDEQ) and constitutes its public notice as required by Section 401 of the Act. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

Project Description: As shown on the attached plans, the applicant proposes to mechanically dredge approximately 437 cubic yards of material from a 295 x 10 foot area to a depth of .8 feet below the Low Water Datum (LWD) Elevation of 572.3 feet (based on International Great Lakes Datum-1985 [IGLD-85]). The applicant also proposes to excavate approximately 2,950 cubic yards of material from a 295 x 30 foot area of wetlands to a depth of .8 feet below the LWD Elevation of 572.3 feet and to excavate approximately 100 cubic yards of material from a 43 x 7 foot area to form a boat well. The dredged and excavated material would be placed in an upland location in a manner that would prevent erosion into the waterbody. He then proposes to construct 291 linear feet of steel sheet pile bulkhead at the landward edge of the excavated area and to construct 97 linear feet of steel sheet pile bulkhead to form the boat well. Mr. Stilson then proposes to place approximately 29 cubic yards of clean fill material obtained from an upland source in a 388 x 1 foot area landward of the new bulkhead. The applicant then proposes to place approximately 86 cubic yards of riprap in a 291 x 2 foot area along the toe of the bulkhead. The applicants stated purpose for the proposed work is to provide shore stabilization and an area for

future boat moorage.

Other Authorizations: The applicant has either received or requested the following governmental authorization:

Michigan Department of Environmental Quality - NREPA, 1994 PA 451, Part 31
Floodplain/Water Resources Protection

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-330 and the Michigan statutes listed above. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number 90-011-018-2/04-50-144. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

a. Wally Gauthier, Chief, Permit Evaluation Branch B, Regulatory Office, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231. Comments may be e-mailed to: Rachel.T.Myers@usace.army.mil, but must include a name and mailing address.

b. State permit and/or water quality certification comments should be filed with the Michigan Department of Environmental Quality (MDEQ), Geological and Land Management Division, P.O. Box 30204, Lansing, Michigan 48909.

After the closing of the response period, the Corps and the MDEQ will exchange timely comments received.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit and State permits will be based on independent conclusions of the Corps of Engineers and the Michigan Department of Environmental Quality, respectively, after evaluation of the probable impact of the proposed activity on the public interest. These decisions will reflect the national/state concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: Questions concerning this application may be directed to Rachel T. Myers at the Corps of Engineers address listed above, or telephone number (313) 226-2219.

FOR THE DISTRICT ENGINEER:

Steven E. Chester
Director
Department of
Environmental Quality

Wally Gauthier
Chief, Permit Evaluation Branch B
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.